

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12<sup>th</sup> day of September, two thousand eighteen.

Present:

Jon O. Newman,  
Dennis Jacobs,  
Rosemary S. Pooler,  
*Circuit Judges.*

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EAST END BUS LINES, INC.,	:	
FLOYD BUS COMPANY, INC.,	:	
	:	
Petitioners/Cross-Respondents,	:	Nos.18-1087, 18-1169
v.	:	
	:	Board Case Nos.:
NATIONAL LABOR RELATIONS BOARD,	:	29-CA-188517
	:	29-CA-194097
Respondent/Cross-Petitioner.	:	

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CONSENT JUDGMENT

THIS CAUSE came to be heard upon a petition filed by East End Bus Lines, Inc. and Floyd Bus Company, Inc., for review of an Order of the National Labor Relations Board in Board Case Nos. 29-CA-188517 and 29-CA-194097, issued on April 3, 2018, reported at 366 NLRB No. 54, and a cross-petition by the National Labor Relations Board for enforcement of its Order. East End Bus Lines, Inc., Floyd Bus Company, Inc., and the Board having advised this Court of their desire to dispose of this matter by entry of a consent judgment enforcing the Board's Order:

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the said Order of the National Labor Relations Board is hereby enforced and that the Petitioners/Cross-Respondents, East End Bus Lines, Inc. and Floyd Bus Company,

Inc., their officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in its Order. (See attached Order.)

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

  


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  


EAST END BUS LINES, INC.,  
FLOYD BUS COMPANY, INC.

v.

NATIONAL LABOR RELATIONS BOARD

**ORDER**

Respondent, East End Bus Lines, Inc. and Floyd Bus Company, Inc., a single employer, Medford, New York, its officers, agents, successors, and assigns, shall take the following affirmative actions necessary to effectuate the policies of the Act.

1. Transfer back all bus routes (South Country School District and Longwood School District) that were performed by East End out of the Respondent's Medford yard.
2. Fill East End positions by requiring the Floyd employees to transfer to East End in order of reverse seniority, except for those employees employed by First Student, Inc. immediately prior to working for Floyd.
3. Not reduce the wage rates of any employee transferred from Floyd to East End.
4. Provide the Region with updates on the progress of the transferred work on a weekly basis until completed.
5. On request, rescind any or all changes to employees' terms and conditions of employment that were made without bargaining with the Union and reaching a good faith, valid impasse.
6. On request, bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment:

All full-time and regular part-time drivers, monitors, mechanics, dispatchers, and maintenance workers employed by Respondent at its facility located at 3601 Horseblock Road, Medford, New York, but excluding all other employees, guards, watchmen, office clerical employees, professional employees, confidential employees, and supervisors as defined in Section 2(11) of the Act.

7. Within 21 days after service by the Region, file with the Regional Director for Region 29 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.